

## COURT APPOINTED ATTORNEY FEE SCHEDULE

Effective January 1, 2009, all cases, which involve a court appointed attorney, the fee charged will be \$82.00 per hour. This will include all preparation, pretrial, trial and post-trial proceedings.

### Attorney Fee Limits

If it appears that the total fee in any case will exceed \$1,500 for a noncapital case and \$2,000 for a capital case, prior approval from the judge assigned to try the case should be obtained before that limit is reached if counsel wishes to exceed that amount.

No fee for any of these types of cases up to appeal may exceed \$25,000. Payment for attorney fees from any source will be included in the computation. The trial judge will make a determination as to total payment considering reasonably necessary services to effect a proper defense, and the trial judge may, in his sound discretion, set a lower maximum limit for a particular case.

In juvenile matters, which concern children in need of supervision, juvenile delinquencies and abuse and neglect cases, no fee for any case for any one attorney may exceed \$5,000. This, however, excludes costs for attorney fees that may be incurred during an appeal.

### Travel

Travel will be paid at the rate of \$1.00 per mile for both the use of the automobile and for the attorney's time on necessary travel. No trips are to be made out of the county without prior approval of the judge.

### Special Investigator's Fees

A request to hire an investigator when it will involve an additional charge over and above that allowed to the attorney must be addressed to the judge presiding in the case. If the judge approves the request, he is to set a ceiling on the amount expended for this purpose. That ceiling includes total outlay for the investigator's services and expenses and cannot be exceeded without prior authorization from the judge.

### Expert Witness Fees

Permission must be obtained from the judge presiding at the trial before any expenditure can be committed to hire an expert witness. The anticipated cost for services and expenses of such a witness and the reasons for such a need must be provided to the judge at the time such request is made.

### Monthly Payments

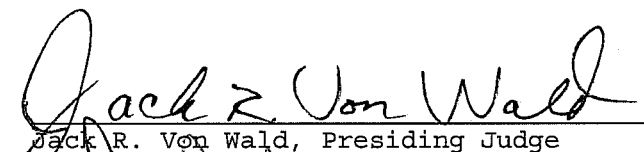
Upon application by the defense attorney, in a trial of greater than normal length, the judge presiding in the case may authorize monthly payments to that attorney for services provided.

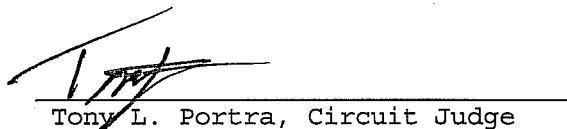
### Appeal

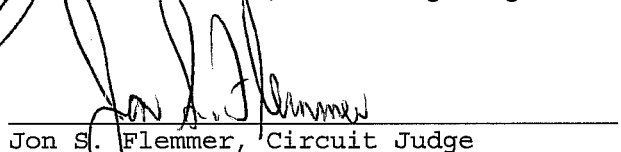
If the attorney is dissatisfied with the amount of compensation allowed by the judge presiding in the case, the attorney may request that all judges in that circuit review the claim for compensation and hold a hearing thereon. A decision by a majority of the judges in that circuit shall become the amount of the fee authorized.

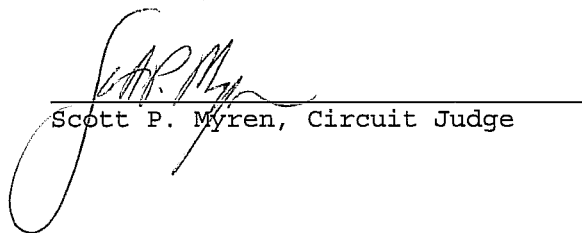
FAILURE TO FOLLOW ANY OF THESE GUIDELINES WILL RESULT IN REFUSAL TO APPROVE THE FILING FOR SUCH EXPENSE.

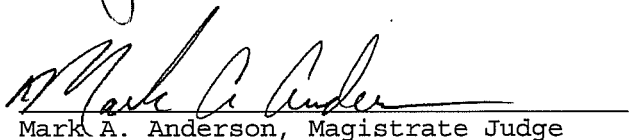
Dated this 29<sup>th</sup> day of December, 2008.

  
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Jack R. Von Wald, Presiding Judge

  
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Tony L. Portra, Circuit Judge

  
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Jon S. Flemmer, Circuit Judge

  
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Scott P. Myren, Circuit Judge

  
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Mark A. Anderson, Magistrate Judge